

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

SOLOMON L. HENDERSON,

Plaintiff,

V.

GREG WARD, et al.,

Defendants.

CIVIL ACTION NO. 1:05-CV-958-T

ORDER

The plaintiff, a county inmate, filed a 42 U.S.C. § 1983 action challenging actions taken against him during his confinement in the Geneva County Jail. The plaintiff did not file the \$250.00 filing fee nor did he submit an original affidavit in support of a motion for leave to proceed *in forma pauperis* with the requisite documentation from the account clerk at the jail. Thus, the pleadings filed by the plaintiff fail to provide the court with the information necessary for a determination of whether the plaintiff should be allowed to proceed *in forma pauperis* in this cause of action. Accordingly, it is

ORDERED that on or before October 26, 2005 the plaintiff shall file either the appropriate affidavit in support of his motion for leave to proceed *in forma pauperis* accompanied by a prison account statement from the account clerk at the Geneva County Jail showing the average monthly balance in plaintiff's prison account for the 6-month period immediately preceding the filing of this complaint and the average monthly deposits

to plaintiff's account during the past six months *or* the \$250.00 filing fee. To aid the plaintiff in complying with this order, the CLERK is DIRECTED to furnish him with a copy of the form affidavit used by persons seeking to proceed *in forma pauperis* before this court.

The plaintiff is advised that under the provisions of 28 U.S.C. § 1915(b)(1), he is required to pay the full amount of the \$250.00 filing fee either from funds presently available to him or from any funds that become available to him in the future. The plaintiff is therefore cautioned that if he fails to comply with this order the Magistrate Judge will recommend that this case be dismissed.

DONE, this 24th day of October, 2005.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE